

Application No.: 10/695,683
Filing Date: October 29, 2003

REMARKS

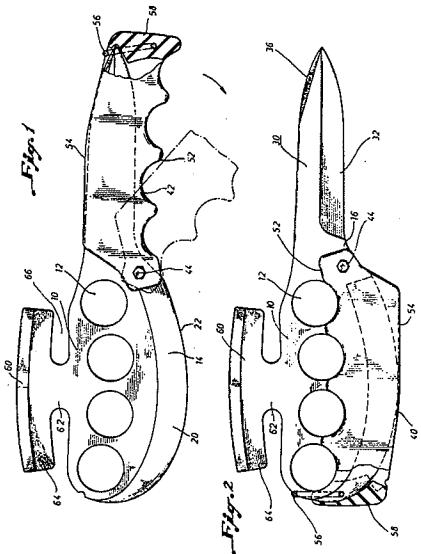
Prior to the filing of this paper, Claims 1-33 and 37-42 were before the Examiner for consideration in this application. Applicant had previously withdrawn Claims 34-36 in response to the Restriction Requirement electronically delivered March 14, 2007. In this paper, Claims 1 and 24 have been amended. Claim 42 has been canceled. No claims have been added. Accordingly, Claims 1-33 and 37-41 remain before the Examiner for consideration. No new matter has been added with these amendments.

Summary of the Office Action

In the Office Action electronically delivered October 24, 2007, The Examiner rejected Claims 1-33 and 37-42 under 35 U.S.C. § 103(a) as being unpatentable over Harrison (US Patent No. 4,546,510). For at least the reasons discussed below, Applicant respectfully traverses the Examiner's rejections.

Harrison

Harrison describes a handtool having an axe blade and a knife blade and which are alternatively covered by a pivotally mounted sheath 40 or cover. (Col. 1, lines 5-8). The cover is pivotally mounted to the body 10 of the tool such that it is movable between a first position covering a sharpened edge 32 of a knife 30 (shown below in Figure 1) and a second position covering a cutting surface of an axe 20 (shown below in Figure 2). (Col. 3, lines 1-7). Each of the knife 30 and the axe 20 have sharpened surfaces. (Col. 3, lines 29-43, 66-67).



Regarding Claims 1-23 and 37-39

Harrison fails to disclose the device recited in Claim 1. As noted by the Examiner, Harrison fails to disclose the claimed configuration of the forward and rearward sides of the device. Additionally, as discussed below, Harrison fails to disclose at least several other limitations recited in Claim 1.

Claim 1 recites, among other limitations, an "elongated shaft" having an opening integral with the elongated shaft and a forward side comprising "a plurality of open-sided recesses integrally formed with the elongate shaft and configured to receive fingers of the user." In contrast, the handtool disclosed in Harrison includes a plurality of enclosed apertures 12 in a body portion of the tool. Harrison does not disclose open-sided recesses formed in the body. Rather, in the Harrison tool, arcuate surfaces 42 are formed in the sheath. (Col. 3, lines 7-12). As noted above, the sheath 40 is pivotally mounted to the body 10 and movable between a first position and a second position. Accordingly, Harrison fails to disclose a device having an elongated shaft as recited in Claim 1.

Furthermore, Harrison fails to suggest the device recited in Claim 1. Instead, Harrison teaches away from modifying the tool disclosed therein to achieve the claimed invention. Harrison indicates there may be variation in configuration of the axe portion, but emphasizes that its configuration "should be such" that it may be covered by the sheath when the cover is pivoted into the second position. (Col. 3, lines 58-63). Indeed, Harrison notes that a disadvantage of prior art devices is that they fail to provide a cover for one of the working blades. (Col. 1, lines

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26-31). Accordingly, it would not be obvious to modify the Harrison tool, including a body and a pivoting cover with arcuate recesses to achieve a device comprising an elongate shaft as recited in Claim 1.

Accordingly, for at least the reasons discussed above, Claim 1 is patently distinct from the prior art. Claims 2-23 and 37-39 depend from Claim 1 and recite additional novel and nonobvious limitations thereon. Thus, Claims 2-23 and 37-39 are distinguishable from the prior art for at least the reasons discussed above with respect to Claim 1.

Regarding Claims 24-33 and 40-41

Claim 24 recites a device comprising, among other limitations, an elongated shaft having a forward finger-receiving side “comprising a plurality of open-sided recesses” and a proximal end “comprising an opening.” As discussed above with respect to Claim 1, Harrison fails to disclose or suggest a device having an elongated shaft as recited.

Furthermore, Claim 24 recites that the personal defense device “presents blunt, rounded edges substantially entirely thereabout.” The Harrison tool includes both a sharpened knife blade and a sharpened axe blade. Therefore, while the Examiner has indicated that one corner of the Harrison tool presents a rounded edge, the Harrison tool does not present blunt, rounded edges “substantially entirely thereabout,” as is recited in Claim 24. Furthermore, it would not be obvious to modify the Harrison tool to include blunt edges substantially entirely therearound as Harrison discloses a handtool including a knife blade and an axe. (Col. 1, lines 40-47).

Accordingly, Claim 24 is patently distinct from the prior art. Claims 25-33 and 40-41 depend from Claim 24 and recite further novel and nonobvious limitations thereon. Thus, Claims 25-33 and 40-41 are distinguishable from the prior art for at least the reasons discussed above with respect to Claim 24.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance. Furthermore, any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a

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claim should not be understood to base patentability on that portion; rather, patentability must rest on each claim taken as a whole. Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein.

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or prior art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

The undersigned has made a good faith effort to respond to all of the rejections in the case, and to place the claims and conditions for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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